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 California Department of Education, Tony  
 Thurmond, in his official capacity as the State  
 Superintendent of Public Instruction, and State  
 Board of Education*

IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

**EMMA C., et al.,**

Plaintiffs,

**v.**

**THURMOND, et al.,**

Defendants.

3:96-cv-04179-VC

**STATE DEFENDANTS'  
 SUPPLEMENTAL SUBMISSION FOR  
 THE STATE'S PHASE 3B, CIM STEP 1  
 AND STEP 2**

Date: February 2, 2024  
 Time: 9:30 am  
 Courtroom: 4  
 Judge: The Honorable Vince Chhabria

Defendants California Department of Education (CDE), Tony Thurmond, in his official capacity as the State Superintendent of Public Instruction, and State Board of Education (SBE) (collectively, State Defendants or the State) hereby submit this supplemental submission to the State's Phase 3B Submissions (CIM Steps 1 and 2) to demonstrate that the State's implementation of its monitoring and enforcement activities –as designed– is in compliance with federal law.

1 The October 23, 2023 Minute Entry of the Court [Dkt. 2743] required Plaintiffs to put  
 2 together a list of documents that Plaintiffs and the Court Monitor request as part of a  
 3 supplemental submission to the State's filing made on August 18, 2023. Plaintiffs served the  
 4 State with the list, and the parties thereafter met and conferred as to the scope and timing of those  
 5 requests. The State now hereby further responds as follows:

6 **Plaintiffs' Supplemental Request 2.a.-e.** (namely, general information regarding TA  
 7 providers): The State filed its Supplemental Phase 3B CIM Step 1 Submission on October 27,  
 8 2023 [Dkt. 2746], whereby the State produced **Exhibit 264B**, which was the link to the California  
 9 Special Education Technical Assistance Network (CalTAN) website: <https://caltran.info/partners>,  
 10 which lists the current Technical Assistance Providers (TA Providers) that the CDE contracts  
 11 with for technical assistance.

12 The State hereby further submits **Exhibits 406, 407, 408 and 409**, in response to this  
 13 request. The State believes it has fully responded to Plaintiffs' supplemental request 2.a.-e.;  
 14 however, the State will further confer with Plaintiffs upon request.

15 **The State's Supplemental Submission re Accountability:** During the October 17, 2023,  
 16 evidentiary hearing, the Court and the parties discussed the issue of accountability and more  
 17 specifically, the idea for the development of internal policies and procedures to assist the State in  
 18 carrying out its monitoring and enforcement activities with LEAs. In connection with that issue,  
 19 the State hereby produces as **Exhibit 410**, an internal document that is in development for use by  
 20 CDE consultants and unit managers during the Compliance and Improvement Monitoring (CIM)  
 21 Process.

22 **The State's Supplemental Submission re Emails:** While preparing for the upcoming  
 23 evidentiary hearing scheduled for February 2, 2024, the State identified additional emails in  
 24 relation to LEA 10 which were not included in the State's December submission. The State  
 25 hereby produces those emails in relation to LEA 10, as **Exhibit 411**.

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1 Dated: January 31, 2024

Respectfully submitted,

2 ROB BONTA  
3 Attorney General of California  
4 DARRELL W. SPENCE  
5 Supervising Deputy Attorney General

6 /s/ STACEY L. LEASK  
7 STACEY L. LEASK  
8 Deputy Attorney General  
9 *Attorneys for Defendants*  
10 *California Department of Education, Tony*  
11 *Thurmond, in his official capacity as the*  
12 *State Superintendent of Public Instruction,*  
13 *and State Board of Education*

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## CERTIFICATE OF SERVICE

Case Name: **Emma C., et al. v. Thurmond,**  
**et al.**

No. **3:96-cv-04179-VC**

I hereby certify that on January 31, 2024, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

- **STATE DEFENDANTS' SUPPLEMENTAL SUBMISSION FOR THE STATE'S PHASE 3B, CIM STEP 1 AND STEP 2, WITH EXHIBITS 406-411 (REDACTED)**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on January 31, 2024, at San Francisco, California.

\_\_\_\_\_  
G. Guardado  
Declarant

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*G. Guardado*  
Signature

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